

REFERENCE TITLE: minor passengers; vehicle cargo sections

State of Arizona
House of Representatives
Forty-eighth Legislature
Second Regular Session
2008

HB 2411

Introduced by
Representative Kavanagh

AN ACT

AMENDING TITLE 28, CHAPTER 3, ARTICLE 15, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-913; RELATING TO TRANSPORTING MINOR PASSENGERS IN MOTOR VEHICLES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Title 28, chapter 3, article 15, Arizona Revised Statutes,
3 is amended by adding section 28-913, to read:

4 28-913. Minors in cargo section: prohibition: civil penalty:
5 exceptions: definition

6 A. A PERSON SHALL NOT OPERATE A MOTOR VEHICLE ON THE HIGHWAYS IN THIS
7 STATE WHILE TRANSPORTING A PERSON UNDER EIGHTEEN YEARS OF AGE IN THE CARGO
8 SECTION OF THE MOTOR VEHICLE UNLESS THERE ARE NO AVAILABLE SEATS IN THE
9 PASSENGER AREA OF THE VEHICLE BECAUSE THE SEATS ARE OCCUPIED BY MINORS OR BY
10 A PHYSICALLY DISABLED PERSON.

11 B. IF A LAW ENFORCEMENT OFFICER STOPS A MOTOR VEHICLE FOR AN APPARENT
12 VIOLATION OF THIS SECTION, THE OFFICER SHALL DETERMINE FROM THE DRIVER ALL OF
13 THE FOLLOWING:

14 1. WHETHER THE PERSON IN THE CARGO SECTION OF THE MOTOR VEHICLE IS
15 UNDER EIGHTEEN YEARS OF AGE.

16 2. IF AN ADULT IN THE PASSENGER AREA OF THE VEHICLE, OTHER THAN THE
17 DRIVER, IS PHYSICALLY DISABLED.

18 3. IF THERE IS AN AVAILABLE SEAT IN THE PASSENGER AREA OF THE VEHICLE.

19 C. IF THE INFORMATION THE DRIVER GIVES THE OFFICER INDICATES THAT A
20 VIOLATION OF THIS SECTION HAS NOT BEEN COMMITTED, THE OFFICER SHALL NOT
21 DETAIN THE MOTOR VEHICLE FURTHER UNLESS AN ADDITIONAL VIOLATION IS
22 INVOLVED. THE STOPPING OF A MOTOR VEHICLE FOR AN APPARENT OR ACTUAL
23 VIOLATION OF THIS SECTION IS NOT PROBABLE CAUSE FOR THE SEARCH OR SEIZURE OF
24 THE MOTOR VEHICLE UNLESS THERE IS PROBABLE CAUSE DUE TO ANOTHER VIOLATION OF
25 LAW.

26 D. A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO A CIVIL PENALTY OF
27 FIFTY DOLLARS.

28 E. THIS SECTION DOES NOT APPLY TO ANY OF THE FOLLOWING:

29 1. A PERSON WHO OPERATES A MOTOR VEHICLE THAT IS ALSO A RECREATIONAL
30 VEHICLE AS DEFINED IN SECTION 41-2142.

31 2. A PERSON WHO MUST TRANSPORT A CHILD IN AN EMERGENCY TO OBTAIN
32 NECESSARY MEDICAL CARE.

33 3. A PERSON ACTIVELY ENGAGED IN AGRICULTURAL WORK REQUIRING A PERSON
34 IN THE CARGO SECTION AT THAT TIME.

35 F. FOR THE PURPOSES OF THIS SECTION, "PHYSICALLY DISABLED PERSON" HAS
36 THE SAME MEANING PRESCRIBED IN SECTION 28-2409.